

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re: Donald J. Kosakowski : Chapter 13
and Muriel A. Kosakowski : Bankruptcy No.17-23484-glt
Debtor(s) :
_____: 11 U.S.C. § 362

Wilmington Savings Fund Society, FSB, d/b/a
Christiana Trust, not individually but as trustee for
Pretium Mortgage Acquisition Trust

Movant

vs.

Donald J. Kosakowski
and Muriel A. Kosakowski

Debtor(s)

and

Ronda J. Winnecour, Esquire

Trustee

RESPONDENTS

**OBJECTIONS OF WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A
CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM
MORTGAGE ACQUISITION TRUST TO CONFIRMATION OF DEBTOR'S(S')
PROPOSED CHAPTER 13 PLAN**

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, by and through its undersigned attorney, Richard M. Squire, Esquire, hereby objects to the confirmation of Debtor's(s') proposed Chapter 13 Plan for the following reasons:

1. The pre-Petition arrears owed to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust are understated on Debtor's(s') proposed Chapter 13 Plan as \$6,620.98. The pre-Petition arrears owed to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust are \$16,243.92, which is set forth on its Proof of Claim that has been filed with this Court. Accordingly, the Chapter 13 Plan does not properly address the pre-Petition claim of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust. *See* 11 U.S.C. Sec. 1325(a)(5).

2. Based on the information provided by Debtor(s) in Schedules I and J, Debtor(s) does/do not have sufficient monthly income to pay the correct amount of the pre-Petition arrears of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust over a sixty (60) month period. Accordingly, Debtor's(s') proposed Chapter 13 Plan is not financially feasible. *See* 11 U.S.C. Sec. 1325(a)(6).
3. Debtor(s) need(s) to have an additional \$160.38 per month in order to pay the arrears of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust only, over a sixty (60) month period. There is absolutely no indication or evidence from Debtor's(s') Schedules that she/he/they has/have the ability to obtain such additional income. Accordingly, Debtor's(s') proposed Chapter 13 Plan is not financially feasible. *See* 11 U.S.C. Sec. 1325(a)(6).
4. Due to all of the defects in Debtor's(s') proposed Chapter 13 Plan, as aforesaid, such Plan could not have been proposed in good faith. *See* 11 U.S.C. Sec. 1325(a)(7).

WHEREFORE, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust prays that its objections be sustained and that confirmation of Debtor's(s') Chapter 13 Plan be denied.

/s/ Richard M. Squire
Richard M. Squire, Esquire
Richard M. Squire & Associates, LLC
One Jenkintown Station
115 West Avenue, Suite 104
Jenkintown, PA 19046
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(215) 886-8791 (fax)
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Attorney for the Objecting Party

Dated: 1/16/18

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ORDER

AND NOW, this _____ day of _____, 20__, upon consideration of the Objections of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust to Confirmation of Debtor's proposed Chapter 13 Plan, and upon consideration of any responses thereto, and good cause showing; it is hereby

ORDERED and DECREED that the Objections of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust to Confirmation of Debtor's(s') proposed Chapter 13 Plan are sustained and confirmation of the Debtor's(s') proposed Chapter 13 Plan is denied.

BY THE COURT:

Honorable Gregory L. Taddonio
United States Bankruptcy Judge

cc:

Ronda J. Winnecour, Esquire
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

United States Trustee
Liberty Center
1001 Liberty Avenue, Suite 970
Pittsburgh, PA 15222

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Donald J. Kosakowski
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CERTIFICATE OF SERVICE

I hereby certify that I am over 18 years of age; and that service upon all interested parties, indicated below, was made by sending true and correct copies of the Objections of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust to confirmation of debtor's(s') proposed chapter 13 plan electronically and/or via First Class Mail, postage prepaid.

Date Served: 1/16/18

Ronda J. Winnecour, Esquire
Suite 3250, USX Tower
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Pittsburgh, PA 15219

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I hereby certify the foregoing to be true and correct under penalty of perjury.

Respectfully submitted,

/s/ Richard M. Squire

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